

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
(TYLER DIVISION)**

ROBERT BERG,

Plaintiff,

- against -

M&F WESTERN PRODUCTS, INC.

Defendant.

Docket No. 6:19-cv-00418-JDK

DECLARATION OF RICHARD LIEBOWITZ

I, RICHARD LIEBOWITZ, hereby swear under the penalty of perjury that the following is true and correct to the best of my personal knowledge,

1. I am lead counsel for Plaintiff Robert Berg in the above-referenced action.
2. I respectfully submit this declaration in opposition to Defendant M&F Western Products, Inc. (“Defendant”)’s second motion for partial summary judgment.
3. Attached as Exhibit A is a true and correct copy of a document obtained from the U.S. Copyright Office’s website showing the search results for copyrights registered by **Hugh Weaver**.
4. Attached as Exhibit B is a true and correct copy of a document obtained from the U.S. Copyright Office’s website showing the search results for copyrights registered by **Gist Silversmiths**.

5. Attached as Exhibit C is a true and correct copy of a document obtained from the U.S. Copyright Office's website showing the search results for copyrights registered by **Crumrine Manufacturing Jewelers, Inc.**

6. Attached as Exhibit D is a true and correct copy of a document obtained from the U.S. Copyright Office's website showing the search results for copyrights registered by Defendant **M&F Western Products, Inc.**

7. Attached as Exhibit E is a true and correct copy of a document obtained from the U.S. Copyright Office's website showing the search results for copyrights registered by Defendant **3-D Belt Company, Inc.**

8. Under Fed.R.Evid. 201(d), the Court has the authority to take judicial notice of records obtained from the Copyright Office's website at any stage of the proceeding. *See, e.g., Island Software & Computer Serv. Inc. v. Microsoft Corp.*, 413 F.3d 257, 261 (2d Cir. 2005) (district courts are entitled to take judicial notice of federal copyright registrations, as published in the Copyright Office's registry); *Art of Design, Inc. v. Pontoon Boat, LLC*, No. 3:16-CV-595 JD, 2017 WL 3608219, at *1 (N.D. Ind. Aug. 22, 2017) (taking judicial notice of "two catalog entries from the U.S. Copyright Office's official website corresponding to each of the designs at issue"); *cf. Duluth News-Tribune v. Mesabi Publ'g Co.*, 84 F.3d 1093, 1096n. 2 (8th Cir. 1996) (taking judicial notice of trademark registrations published in Patent and Trademark Office's registry).

Dated: September 8, 2020
Valley Stream, NY

Respectfully submitted,

/s/**richardliebowitz**/
Richard Liebowitz
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